

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN RE: SOCIAL MEDIA ADOLESCENT
ADDICTION/PERSONAL INJURY
PRODUCTS LIABILITY LITIGATION

This Filing Relates to:

All matters

MDL No. 3047

Case Nos.: 4:22-md-03047-YGR-PHK

**JOINT LETTER BRIEF
REGARDING TIME
ALLOWANCES FOR EXPERT
DEPOSITIONS**

Judge: Hon. Yvonne Gonzalez Rogers
Magistrate Judge: Hon. Peter H. Kang

Dear Judge Kang:

Pursuant to the Court's Standing Order for Discovery in Civil Cases, the MDL Personal Injury ("PI") Plaintiffs, MDL School District ("SD") Plaintiffs, and MDL State Attorneys General ("State AGs") ("Plaintiffs"), and the Meta, Snap, TikTok, and YouTube Defendants ("Defendants"), respectfully submit this letter brief regarding time allowances for expert depositions.

Pursuant to the Discovery Standing Order and Civil Local Rule 37-1, the Parties attest that they repeatedly met and conferred by video conference, correspondence, and telephone before filing this brief. The final conferral was held on July 21, 2025 via videoconference and was attended by lead trial counsel for the Parties involved. Lead trial counsel have concluded that no agreement or negotiated resolution can be reached.

The Parties respectfully request that the Court set a hearing on this dispute at its earliest convenience, as depositions are imminent, and are prepared to appear virtually to the extent that would accommodate earlier scheduling and is acceptable to the Court.

Respectfully submitted,

DATED: July 23, 2025

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Defendants’ Position. The FRCPs permit 7-hour depositions of “any person who has been identified as an expert whose opinions may be presented at trial,” and the California rules allow unlimited time with expert witnesses, Cal. C.C.P. § 2025.290. Nevertheless, given the overlap in expert disclosures across the JCCP, MDL, and Meta-only State Attorneys General (“AG”) cases, Defendants have offered to compromise on more limited time for depositions of Plaintiffs’ experts. Those experts fall into four categories, outlined below.¹

Category 1 encompasses 17 experts offered by PI/SD Plaintiffs in both the JCCP and MDL for non-BW-specific opinions on issues such as General Causation, Corporate Social Responsibility, Design, Marketing, and Warnings. **Category 1a** encompasses the **8 experts** not yet deposed in the JCCP. Defendants originally requested 14 hours to depose these experts across the MDL and JCCP, but have agreed to limit themselves to **12 hours**—the same allowance MDL/JCCP Plaintiffs obtained for company witness depositions. This is the bare-minimum they should get. These experts’ reports contain hundreds of pages of opinions in reliance on tens of thousands of pages of materials—including thousands of Defendant-specific company documents. They purport to offer opinions relating to *each* Defendant’s conduct and/or effects of *each* Defendant’s platform, and offer these opinions in PI and SD cases and in both the JCCP and MDL. Take Dr. Istook: his 111-page report cites hundreds of company documents and has opinions about each Defendant’s conduct and at least six different “design elements” of their platforms. Dr. Estes has a 98-page report citing hundreds of company documents and opining about eight features plus age verification and parental controls for each platform. Basic principles of due process require that *each* Defendant have adequate time to probe these experts’ opinions across *all* cases/types.

Category 1b encompasses the **9 experts** in Category 1 already deposed in the JCCP, all of whom offer General Causation opinions. For them, Defendants request **6 additional hours**, with two exceptions for Dr. Christakis and Dr. Goldfield (for whom they request 7 hours).² *First*, Plaintiffs’ experts are expected to serve full written rebuttal reports in the MDL on July 30. By contrast, Plaintiffs’ experts elected *not* to submit rebuttal reports in the JCCP—yet the Category 1b experts evaded questioning about their rebuttal opinions in deposition, consuming large amounts of JCCP deposition time. *Second*, because there are no SD BW cases in the JCCP, Defendants have not yet probed these experts’ opinions as they relate to the SD cases. *Third*, Defendants already agreed to limit their time to depose Plaintiffs’ experts in the JCCP on the understanding that they’d also be deposed in the MDL. At no time during JCCP negotiations did Plaintiffs suggest they would seek to limit the time for these experts’ depositions in the MDL, which by default would be seven hours each. Six further hours is more than justified. Notably,

¹ Exhibit A identifies the category each expert falls into. Category “0” consists of two MDL AG-only experts for whom both sides propose a 7-hour deposition. The MDL AGs propose that such deposition *also* constitute Meta’s deposition of that expert for purposes of separate state-court actions brought by different AGs—an issue that is not for this Court to decide. Exhibit B is not at issue; that Plaintiffs chose to forgo time with Defendants’ experts is irrelevant.

² Dr. Christakis has a 406-page report with a 391-page reliance list that includes ***nearly 5,000 company documents***. He offers opinions on ten different alleged injuries relating to numerous different features across the four Defendants. Dr. Goldfield offers opinions on each Defendant’s specific features in a 191-page report relying on 2,999 company documents. The length and complexity of these reports and opinions warrants more time with these experts.

Defendants' proposed default limits of 12 hours and 6 hours, respectively, for Category 1a and 1b experts are *compromises* from Defendants' opening positions of 14 hours and 7 hours.³

Category 2 covers the **6 experts** in Category 1 (disclosed by the MDL/JCCP PI/SD Plaintiffs) who are *also* disclosed by MDL AGs and/or other AGs suing Meta in various state courts actions. Meta requests additional time, beyond the above-requested allowances, to depose these experts. Plaintiffs cannot seriously resist Meta's request. These AGs are suing *Meta only* in separate cases that present entirely different causes of action from the PI/SD Plaintiffs' cases. Any trials of the AGs' claims will be focused on Meta alone. Meta needs to be able to fully explore the AGs' experts' opinions as to Meta without having to split that time with its co-Defendants. Take Dr. Drumright, an expert disclosed by PI/SD Plaintiffs as well as AR and TN: she offers 24 opinions specific to Meta over 113 pages of her report, versus just 14 opinions *total* for the other Defendants (over 88 pages). Meta should not be limited to just 7.5 hours, split with its co-Defendants, to explore her opinions as to Meta in cases brought solely against Meta in Arkansas and Tennessee state court. Indeed, last year the MDL AGs insisted on getting 48 extra hours, beyond the 240 hours allotted for the MDL/JCCP Plaintiffs, to depose Meta's company witnesses, arguing that "it's entirely reasonable and realistic to think that ***additional deposition time is needed for the defendant[] that the AGs have sued, Meta.***" 2/22/24 DMC Tr. at 21-22 ("The other plaintiffs' claims involve sometimes different elements than the claims that the AGs have brought, involve different laws and, again, different defendants").⁴ Meanwhile, Non-MDL AGs (including AR and TN), refused to be bound by the 12-hour limit negotiated by the MDL/JCCP Plaintiffs for fact depositions, citing state-court rules allowing unlimited time. Some of those AGs (like NM) have even *re-deposed* some of Meta's fact witnesses. Yet these same AGs now contend that Meta must complete its depositions of these experts for purposes of the PI, SD, and AG cases across the MDL, JCCP, and any satellite AG case in just 7 hours of time (or less) *shared with their co-Defendants*. Their position is untenable and should be rejected.

Nevertheless, in the interest of coordination and efficiency, Meta agreed to limit itself to just **3.5 additional hours** to depose the Category 2 experts about their opinions for purposes of the MDL AGs' cases against Meta. It further agreed to limit itself to those same 3.5 hours for purposes of its deposition of Dr. Lembke in both NM and TN; of Dr. Prinstein, Dr. Drumright, and Dr. Twenge in TN; and of Dr. Gray, Dr. Narayanan, and Dr. Chandler in NM (with 1 extra hour for any NM- or TN-specific opinions). Meta made this offer notwithstanding the TN court's oral ruling last week that it would *not* impose time limits on expert depositions taken in TN, consistent with TN rules. Meta has also agreed to allow AR and MA to attend Meta's MDL

³ In fact, Defendants offered (twice) to meet Plaintiffs in the middle of the Parties' offers (or close to it) for around 10 or more experts. Defendants feel obliged to share this background given the Court's order to the Parties to "attempt to resolve or at least narrow the disputes regarding expert depositions." ECF 2117.

⁴ The AGs argued at the July 17 hearing that 48 extra hours was less than what they requested. That is beside the point; the AGs got nearly 20% more time with Meta's witnesses for the same reasons Meta is seeking more time with the AGs' experts. Their suggestion that the scope of their claims is somehow meaningfully narrower than it was last year is, in addition to being beside the point, wrong—the Court "largely den[ied]" Meta's motion to dismiss their claims (ECF 1214) and left every challenged feature in play on at least some claims.

depositions of experts whom those States have also disclosed; but Meta does *not* agree to limit (and reserves its right to seek separate) depositions with those experts in those States' separate state-court cases, where expert disclosures either have not yet happened or are not complete.

Category 3 encompasses **4 experts** offering Specific Causation opinions for one or more of the five MDL PI BW plaintiffs. Their case-specific reports cover, for each of the five plaintiffs in their five different cases, BW-specific medical diagnoses, records, treatment plans, and alleged damages. Consistent with the FRCP, Defendants request **7 hours** with any expert offering one case-specific opinion (Sobalvarro and Lowenthal). For any expert offering more than one opinion (Murray and McCarron), Defendants have offered to accept just **5 hours per case-specific opinion**. Plaintiffs, by contrast, have suggested a *total* combined limit of just 14 hours for all four Defendants to cover six separate reports (totaling 304 pages) offered by Dr. Murray—one on general issues that includes new opinions not included in his JCCP report, and five others on case-specific issues for five PI BW plaintiffs. That proposal is untenable.

Category 4 consists of **1 expert** (Dr. Hoover), the only SD-specific expert for whom the Parties have been unable to agree on deposition time. Dr. Hoover has submitted seven reports—one general report in which she opines (among other things) that social media caused harms to schools and six case-specific reports (for each of the six MDL SD BW plaintiffs) that purport to describe “abatement” plans for each district (which plaintiffs seek billions of dollars from Defendants to fund). Defendants have requested **14 hours** to cover all seven of these reports.

Plaintiffs' Position. Defendants offer an inefficient and inequitable approach to the depositions of Plaintiffs' experts, spurning the benefits of coordinated litigation in favor of needless redundancy. Their approach should be rejected for three reasons.

First, many of Plaintiffs' experts have already been deposed about reports that are nearly identical to those they offer in the MDL. In the JCCP, Defendants already have deposed 8 of Plaintiffs' 27 experts for an average of nearly 10 hours each, including more than 12 hours with Dr. Christakis. Indeed, Defendants specifically questioned Dr. Christakis about his MDL report during his deposition. Similarly, Defendants questioned Dr. Cingel about his MDL report during his JCCP deposition, while leaving an hour of available time unused.

Second, Defendants fail to defend their position that more deposition time is warranted whenever an expert offers opinions on behalf of both PISD Plaintiffs and one or more AGs, including MDL AGs. That position is indefensible where the expert's opinions are identical or nearly identical.⁵ Offering the same report on behalf of the PISD Plaintiffs and on behalf of the AG Plaintiffs should not somehow double the amount of questioning time Defendants receive or increase it by multiple hours.⁶ Indeed, it should not expand the available questioning time at all.

⁵ As noted at the recent hearing, the *only* difference for most experts shared by the PI/SD Plaintiffs and the AGs is that the report for the latter does not contain opinions as to Defendants other than Meta. Of course, *fewer* opinions as to the AGs does not justify *more* time.

⁶ For instance, expert Arvind Narayanan offers identical opinions concerning Defendants' algorithms on behalf of both the PISD Plaintiffs and the MDL AG Plaintiffs. There is no justifiable reason to double Mr. Narayanan's deposition length.

In the limited situations where a Plaintiff's expert *is* offering opinions specific to a particular non-MDL AG—which here are quite limited in scope—then Plaintiffs agree a commensurate amount of additional time is warranted, and have accounted for that in their proposal.

Third, the amount of time Defendants ask for is simply excessive. Again using Dr. Christakis as an example, Defendants seek a total of 19 hours to depose this one expert. Most egregiously, Defendants' proposal would involve one expert, Dr. Murray, sitting for 38.5 total hours of testimony—the equivalent of an *entire workweek*. Defendants' excessive and unjustified time requests disregard the core purpose of coordinated proceedings: to streamline discovery and avoid duplicative effort.⁷ The expert opinions at issue address facts and issues—including product design, adolescent mental health, user behavior, and the psychological effects of Defendants' platforms—that are consistent across jurisdictions and do not vary with the cause(s) of action.⁸

Plaintiffs respectfully submit that their alternative proposal provides a coordinated, efficient, and fair framework for expert depositions across this MDL, the JCCP, and related state AG actions.⁹ This litigation spans multiple overlapping proceedings and involves common experts, factual bases, and subject matter. Plaintiffs' proposed coordinated time limits for expert depositions ensure Defendants have a full and fair opportunity to examine experts while minimizing redundancy and preserving both party and judicial resources across all proceedings.

For experts who have already been deposed, Plaintiffs propose an additional 4 to 14 hours of deposition time. The precise time depends on the scope of each expert's opinions. In most cases, those opinions substantially (or entirely) overlap, minimizing the need for repeated questioning. Where Plaintiffs have proposed additional time, it is based on specific, justifiable factors. For instance, to the extent there are limited expert opinions genuinely unique to non-MDL state cases,¹⁰ Plaintiffs have proposed modest additional time—typically one hour—to

⁷ Defendants mischaracterize the negotiation history in an effort to portray their positions as reasonable. Plaintiffs offered compromises in good faith, but Defendants' continued to demand excessive hours and rejected Plaintiffs' counteroffers.

⁸ In fact, as Meta previously recognized at a discovery hearing, even the legal differences between causes of action are in many ways—and in all ways relevant to the experts at issue—insignificant: the AGs have direct COPPA claims, while for the PI/SD Plaintiffs COPPA is the basis for a negligence per se claim. Hr'g Tr. 23:1–24:14 (Feb. 22, 2024). The consumer protection claims are so similar that the Court simply stated that the same reasons underlie its rulings as to each. ECF 1214 at 78 (Order Denying in Part Meta's MTD Multistate AG Compl. & PI Pls.' Consumer Prot. Claims). And these are not legal experts.

⁹ Plaintiffs do not agree with Defendants' categories in column B of the chart, but have accommodated Defendants' desire to include them. Plaintiffs believe that the key categories are experts already deposed versus not deposed, with other factors discussed herein accounting for variations within those categories.

¹⁰ As explained by Plaintiffs at the recent hearing, these very minor differences amount to things like Tennessee-specific versions of charts in the MDL report, or offering a few additional pages of testimony on Meta's activities in Tennessee.

address those differences. This targeted accommodation ensures fairness without opening the door to wholesale re-examination of prior testimony.¹¹

For general experts who have not yet been deposed, Plaintiffs propose between 7 and 10 hours of deposition time for most experts, tailored to the breadth and relevance of each expert's opinions, and whether any state-specific issues are involved. For experts offering a PI/SD case-specific opinion for only a single PI/SD bellwether Plaintiff, PI/SD Plaintiffs submit that 4 hours is appropriate and sufficient (and propose to use the same amount of time with such defense experts). Were a full 7 hours to be justified for any single PI/SD bellwether plaintiff-specific opinion, this could result in grossly excessive deposition time for experts offering opinions about multiple PI/SD bellwether plaintiffs. (An expert offering opinions on all five personal injury bellwethers would be subject to 35 hours of deposition time.) For PI/SD case-specific experts offering opinions for multiple PI/SD bellwether Plaintiffs, PI/SD Plaintiffs propose that for both sides the depositions be limited to 7 hours, with certain exceptions.¹²

In total, Plaintiffs propose approximately 264 hours of deposition time across 27 Plaintiff experts, averaging nearly 10 hours per expert. This is notably more than what Plaintiffs are seeking for defense experts—a combined 408.5 hours of deposition time across 59 defense experts, which averages to less than 7 hours per expert.¹³ In sum, Plaintiffs' proposal strikes the right balance, offering an allocation that is fair, proportionate to the complexity of the litigation, and avoids wasteful and repetitive questioning. It is also a proposal that is feasible to complete within the time remaining in the schedule. While Plaintiffs propose substantially fewer hours per expert than Defendants (and propose to not redepose many defense experts previously deposed), even under Plaintiffs' proposal there will still be, on average, at least two expert depositions happening on every weekday between August 1st and September 17th.¹⁴ Under Defendants' proposal, there would be three or more depositions on every weekday, an unnecessarily burdensome, if not simply impossible, schedule.

¹¹ Plaintiffs include a chart of Defendants' experts so the Court has the entire picture. Plaintiffs' proposed hours limits therein—which Defendants have not objected to—are, on average, much shorter than those for Plaintiffs' own experts.

¹² Exemplifying Plaintiffs' reasonable and tailored approach, for Dr. Murray, a Plaintiffs' expert offering a general causation report and PISD bellwether case-specific reports for five cases (2 in the JCCP, 3 in the MDL), PISD Plaintiffs have proposed 14 hours spread across two days, on top of the 8.5 hours he was already deposed in the JCCP on general causation.

¹³ Plaintiffs' efficiencies are achieved in part by their willingness to forgo additional depositions for 7 of Defendants' experts who have already been deposed. Plaintiffs expect to also forgo redeposing more experts pending the AGs' receipt of JCCP transcripts.

¹⁴ This would be the expert discovery cut-off under the Parties' proposed 3-week extension applicable to all but a few AG-specific experts not included on the chart.

ATTESTATION

I, Lexi J. Hazam, hereby attest, pursuant to N.D. Cal. Civil L.R. 5-1, that the concurrence to the filing of this document has been obtained from each signatory hereto.

Dated: July 23, 2025

By: /s/ Lexi J. Hazam
Lexi J. Hazam